

Practitioner's Docket No. MPI00-344P1RRCEMUSSN: 09/945,326**REMARKS****The Rejection of Claim 68 under USC 35 §112, Second Paragraph Should Be Withdrawn**

Claim 68 was rejected by the Examiner under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 68 depends on Claim 64. The Examiner's position is that it is not clear whether "the sample" in claim 68 further limits "a sample" in step i) or step iii) of Claim 64.

Applicants have amended claim 64 iii) to remove the term "a sample". Claim 64 iii) now recites "incubating the test compound which binds to the polypeptide with cancer cells". Applicants believe this amendment renders claim 68 clear, and thus the rejection of claim 68 under 35 USC §112, second paragraph, is rendered moot. Applicants respectfully request reconsideration and withdrawal of this rejection.

**The Rejection of Claim 68 under USC 35 §112, First Paragraph (Written Description) Should Be Withdrawn**

The Examiner has rejected claims 68 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The Examiner's position is that the limitation "a membrane-bound form of an isolated polypeptide" is not supported by the specification as originally filed. Applicants have amended claim 68 to remove the phrase "a membrane-bound form of an isolated polypeptide", thus rendering the rejection of claim 68 under 35 USC §112, first paragraph (written description) moot. Applicants respectfully request reconsideration and withdrawal of this rejection.

**The Rejection of Claims 64 and 68-72 under USC 35 §112, First Paragraph (Enablement) Should Be Withdrawn**

The Examiner has rejected claims 64 and 68-72 under 35 USC §112, first paragraph, because the specification, "while being enabling for an assay using an isolated SEQ ID NO:2 protein or a cell comprising SEQ ID NO:2 protein, does not reasonably provide enablement for an assay using a membrane bound form of an isolated protein". Applicants have amended claim 68 to remove the phrase "a membrane-bound form of an isolated polypeptide", thus rendering the rejection of claims 64 and 68-72 under 35 USC §112, first paragraph (enablement) moot. Applicants respectfully request reconsideration and withdrawal of this rejection.

(Page 4 of 5)

Practitioner's Docket No. MPI00-344PTRRCEMUSSN: 09/945,326

## CONCLUSIONS

In view of the amendments and remarks herein, Applicants respectfully submit that the rejections presented by the Examiner are now overcome and that this application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

This paper is being filed timely within the three month period for response. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

Respectfully submitted,

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MILLENNIUM PHARMACEUTICALS, INC.

By



Mario Cloutier

Limited Recognition under 37 CFR §11.9b  
40 Landsdowne Street  
Cambridge, MA 02139  
Telephone - 617-577-3522  
Facsimile - 617-551-8820

(Page 5 of 5)